



March 23, 2018

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: Funds For Learning Ex Parte Submission in Response to Notification of Ex Parte
State E-rate Coordinators Alliance Ex Parte Submission in Response to Notification of Ex Parte
Presentation by the Ohio Information Technology Centers dated March 16, 2018

Modernizing the E-rate Program for Schools and Libraries -- WC Docket No. 13-184
Schools and Libraries Universal Service Support Mechanism -- CC Docket No. 02-6

Dear Secretary Dortch:

EducationSuperHighway ("ESH") supports the letters filed by Funds For Learning, LLC ("FFL") and the State E-rate Coordinators Alliance ("SECA") in response to the March 16, 2018 notification of Ex Parte presentation submitted on behalf of the Ohio Information Technology Centers ("OITCs").

The OITCs presentation raised valid and timely concerns related to the Funding Year ("FY") 2018 changes to the Federal Communications Commission ("FCC") Form 470 and the methods by which applicants file for basic conduit Internet access (aka "bundled Internet"). These changes as detailed in the OITCs document have resulted in a great deal of confusion among applicants and are likely to result, if the issue is not addressed, in a substantial number of funding denials issued to applicants whose only fault was continuing to file for services in the same manner to which they had been accustomed over the last several funding cycles.

An ESH review of all FY 2018 FCC Form 470s through January 13, 2018 found that 19% of relevant Category 1 applications were misfiled because of this issue.¹ This may affect up to 2,300 applicants if this issue is not addressed immediately. This highlights the substantial confusion that has been created from this change, and the urgency of its resolution.

In agreement with FFL and SECA, ESH believes that the best solution to this impending crisis is for the FCC to instruct the Universal Service Administrative Company (USAC), the administrator of the E-rate program, to not issue funding denials to applicants who attempted to comply in good faith with the Form 470 posting requirements for Internet access. Provided that an applicant included one service request for either *Internet Access & Transport Bundled, Leased Lit Fiber or Internet Access: ISP Service Only* on

¹By 1/13/18, 1,106 out of 5,304 (19%) of the Form 470 applications submitted that selected "*Bundled Internet Access and Transport*" misfiled. If we use the total number of FY 2017 471 applications that would have been subject to the same issue (12,010), then 2,301 (19%) of the FY 2018 471 applications could be filed incorrectly and subject to denial



their establishing FCC Form 470, the applicant should be able to rely on this Form 470 to support an Internet access service funding request on their Form 471 application.

We agree with SECA and FFL that the Form 471 **filing deadline should not be extended**. USAC has a goal of issuing Funding Commitment Decision Letters for all FY 2018 applications by September 1, 2018, and we need to ensure that will happen.² Timeliness has been an outstanding issue in the review process. If the FCC instructs the USAC reviewers to not issue denials based on the above criteria, then an extension is not necessary.

Respectfully submitted,

/s/ Evan Marwell

Evan Marwell
CEO
EducationSuperHighway

CC: Ryan Palmer
Division Chief, FCC Wireline Competition Bureau

Elizabeth Drogula
Deputy Division Chief, FCC Wireline Competition Bureau

Rebecca Jacobs Goldman
Counsel for Ohio Information Technology Centers

Gary Rawson
Chair, State E-rate Coordinators Alliance

² FCC E-rate Modernization Order summary, July 11, 2014, USAC
<https://www.usac.org/_res/documents/sl/pdf/tools/modernization-order/E-rate-Modernization-Order-Summary.pdf>